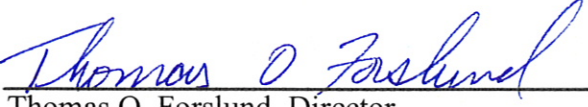
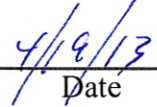


Thomas O. Forslund, Director

Governor Matthew H. Mead

Policy Title:	Public Records Requests
Policy Number:	AS-015
Effective Date:	July 1, 2013
Approval:	<div><div> Thomas O. Forslund, Director</div><div> Date</div></div>

Purpose:

This policy establishes the Wyoming Department of Health's (WDH) approach for processing public records requests. This policy does not supersede any existing fee schedules established by statute, rules, policy or court order, such as fees charged for copies of birth certificates.

Scope:

This policy applies to all WDH workforce, and any person or entity requesting public records from WDH.

Policy:

1. Public records shall be made available upon request, unless exempt from disclosure. Exemptions are:
 - a. identified in Wyo. Stat. § 16-4-203; and
 - b. generally intended to prevent invasions of privacy and use of public records for personal, commercial or professional gain.
2. Requests for records shall be made in writing and shall include:
 - a. a specific description of the information requested, including type of records, subject matter, approximate dates of records, and names of persons involved; and
 - b. contact information for the requestor, including name, organization (if applicable), address and telephone number.
3. The WDH Compliance Office or other delegated WDH workforce member (Coordinator) shall coordinate all public records requests. The Coordinator's responsibilities include, but are not limited to, corresponding with requestors, determining the appropriate WDH division/program/facility to process requests, reviewing and redacting records prior to disclosure, and tracking all records requests.
4. The WDH division/program/facility that typically maintains the category of records requested shall be responsible for processing and releasing the requested records. Such division/program/facility shall collaborate with the Coordinator to ensure records are released appropriately (i.e., confidential information is appropriately redacted and exemptions are followed).

5. WDH shall charge reasonable, cost-based fees for providing copies of records in accordance with its established fee schedule.
 - a. Fees shall be calculated to reasonably reimburse WDH for the costs incurred in making records available. Activities involved in preparing records for distribution include, but are not limited to:
 - i. locating;
 - ii. compiling;
 - iii. summarizing;
 - iv. printing;
 - v. redacting;
 - vi. copying and distributing information;
 - vii. office supplies to conduct each activity; and
 - viii. costs of taking any other steps reasonably required to make the information available.
 - b. WDH may reduce or waive fees by approval of the WDH Director, if:
 - i. the reduction or waiver is in the public interest;
 - ii. overall costs incurred by WDH are negligible;
 - iii. supplying the requested record or document is within the normal scope of WDH business; or
 - iv. requests constitute discovery being made as part of pending administrative, judicial or arbitration proceedings.
 - c. Form, method of payment and method of delivery.
 - i. Records are generally available in either paper or electronic format, depending upon the type of record(s) requested. WDH is not obligated to create a new record or a new format for an existing record.
 - ii. The requestor shall make payment prior to or on delivery. WDH is prepared to accept checks or money orders.
 - iii. Depending upon the available format(s) of the records, delivery shall be available by postal mail, facsimile, e-mail, or onsite pick up.

Procedure:

1. Requestor submits a written request for public records that indicates:
 - a. the information requested, including:
 - i. types of records;
 - ii. subject matter;
 - iii. approximate dates of records; and
 - iv. names of persons involved.
 - b. the requestor's contact information, including:
 - i. name;
 - ii. organization (if applicable);
 - iii. address; and
 - iv. telephone number.
 - c. whether inspection or copies of the records is sought.
2. All requests shall be forwarded to the WDH Compliance Office, or other designated WDH workforce member (Coordinator), for coordination. The date of acknowledged receipt of a public records request shall be the date the request is received by the Coordinator. Unnecessary delay in

forwarding requests to the Coordinator should be avoided as the WDH strives to respond to requests as efficiently and expeditiously as possible.

3. Pursuant to the Wyoming Public Records Act, the Coordinator shall send an acknowledgment of receipt to the requestor within seven (7) business days following its acknowledged receipt of the request.
4. The Coordinator shall examine all requests and determine if any exemptions or other legal concerns preclude the release of the requested records. If necessary, it shall consult with the Wyoming Attorney General to address legal concerns and arrive at appropriate conclusions.
5. If the requested records are **not** releasable, the Coordinator shall send the requestor a denial letter citing the reason the records cannot be released (e.g., the requested records do not exist, the Public Records Act prohibits the release of the requested records, the records do not constitute public records).
6. If the requested records are releasable, the Coordinator shall request that the relevant WDH division/program/facility provide an estimate of the labor and copies required to process the request.
 - a. If the required labor and copies are minimal [i.e., one half hour or less of labor and ten (10) pages or less of copies], and no additional action is required before releasing the records (i.e., review and redaction of confidential information), then the WDH division/program/facility shall process and release the records to the requestor.
 - b. If the required labor and copies justify application of fees, the Coordinator shall:
 - i. send a cost estimate letter to the requestor seeking to apprise the requestor of the applicable fees and allow the requestor to:
 - A. withdraw the request;
 - B. modify the request; or
 - C. agree to pay the fees by initialing and returning the cost estimate letter to WDH. WDH prefers payment prior to processing the request and accepts checks or money orders.
 - ii. advise the relevant WDH division/program/facility to process the request once the requestor's agreement to pay the fees (and preferably payment) are received. For tracking purposes, the WDH division/program/facility shall notify the Coordinator once it actually releases the records.
7. Requestors may submit a request for waiver of fees. Such waiver requests shall be submitted to the WDH Director for review and approval/denial. If the WDH Director approves the waiver request, and the requested records are releasable, the request shall be processed pursuant to section 6.a., as listed above. If the WDH Director denies the waiver request, and the requested records are releasable, the request shall be processed pursuant to section 6.b., as listed above.

Contacts:

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Tate Nuckols, JD, WDH Security Officer (307) 777-2438

Policies:

AS-003; Uses and Disclosures of Client Participant Information
AS-004; Minimum Necessary Standard

References:

W.S. §§ 16-4-201 through 205
45 CFR § 164.312(e)
45 CFR § 164.524(c)(4)
45 CFR § 164.528(c)(2)

Tools:

Public Record Fee Schedule